

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:09-CR-190**

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UNITED STATES OF AMERICA,)

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vs.)

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ALLIE ELLINGTON)

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ORDER

THIS MATTER is before the Court upon its own motion. The Court sentenced the above-captioned Defendant on April 13, 2011; however, the Court left open the issue of restitution to the victims, noting a circuit split on the issue which had not yet been addressed by the Fourth Circuit. On May 25, 2011, the Court issued a subsequent order ensuring that proper notice was given that the Court intended to address the restitution issue at a later date.

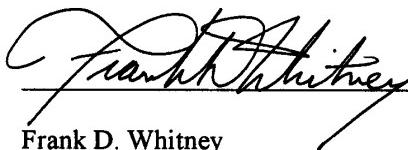
The Fourth Circuit has now had the opportunity, in United Sates v. Burgess, No. 09-4584 (4th Cir. July 11, 2012), to address the issue of assessing restitution to victims of those who possess child pornography. The Court therefore HEREBY ORDERS additional briefing from the parties with respect to the above-captioned case on the issue of restitution in light of the Burgess decision. The Court respectfully requests the parties support their argument for a restitution amount by substantiating their request with appropriate references to the record or attachments to their pleading.

The prosecution, as well as any interested party who intends to file an *amicus* brief, is HEREBY ORDERED to submit their restitution request and additional briefing within fourteen (14) days of the issuance of this order. Defendant shall have fourteen (14) days following the

government's filing to respond, and, if necessary, the prosecution shall have seven (7) days to file a reply.

IT IS SO ORDERED.

Signed: July 23, 2012



A handwritten signature in black ink, appearing to read "Frank D. Whitney". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Frank D. Whitney
United States District Judge

